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6 7 8 9	LINDA MILLER SAVITT, SBN 94164 E-mail: LSavitt@brgslaw.com BALLARD ROSENBERG GOLPER & SAVI 500 North Brand Boulevard, 20 th Floor Glendale, CA 91203 Tel: (818) 508-3700, Fax: (818) 506-4827	TT, LLP
10 11 12 13 14 15	RONALD F. FRANK (SBN 109076) E-mail: rfrank@bwslaw.com ROBERT J. TYSON (SBN 187311) E-mail: rtyson@bwslaw.com BURKE, WILLIAMS & SORENSEN, LLP 444 S. Flower Street, 24 th Floor Los Angeles, CA 90071 Tel: 213-236-0600 Fax: 213-236-2700 Attorneys for Defendant City of Burbank	
16 17		THE STATE OF CALIFORNIA
18 19 20 21 22	WILLIAM TAYLOR, Plaintiff, v. CITY OF BURBANK and DOES 1 through 100, inclusive,	Case No. BC 422252 Assigned to: Hon John L. Segal, Dept. 50 DEFENDANT CITY OF BURBANK'S ADDITIONAL PROPOSED JURY INSTRUCTIONS
23 24 25	Defendants.	FSC Date: Feb. 29, 2012 FSC Time: 8:30 a.m. Trial Date: March 5, 2012 Action Filed: Sept. 22, 2009
26 27 28 BURKE, WILLIAMS &	LA #4849-9720-3727 v1	
SORENSEN, LLP ATTORNEYS AT LAW LOS ANGELES		NAL PROPOSED JURY INSTRUCTIONS

PLEASE TAKE NOTICE that defendant City of Burbank hereby submits three 1 additional proposed jury instructions. City will meet and confer with plaintiff's counsel 2 about these instructions, and report to the court. However, City expects plaintiff to object 3 thereto. The additional proposed jury instructions are as follows: 4 5 **Competing Version** 6 Proponent [No. Desc] 7 D [36 Discussion of options] 8 D [37 City's reasonable belief] 9 D [38 Disclosure defined] 10 11 BURKE, WILLIAMS & SORENSEN, LLP Ronald F. Frank Dated: March 9, 2012 12 Robert J. Tyson 13 14 By: 15 Robert J. Tyson Attorneys for Defendant 16 City of Burbank 17 18 19 20 21 22 23 24 25 26 27

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Special Instruction

Instruction
No __36__

Request by Plaintiff	Request by Defendant	Х	Requested by
Given as Proposed	Given as Modified		Given on Court's Motion
Refused	Authority: Reid v. Merit Sys. I cited in Mize-Kurzman 859	Authority: Reid v. Merit Sys. Protection Board (Fed.Cir.2007) 508 F.3d 674, 678 cited in Mize-Kurzman 859	
Withdrawn			Judge

Instruc	tion
No	<u> 36 </u>

Discussion among employees and supervisors concerning various possible courses of action is healthy and normal in any organization. It may in fact avoid a violation.

Special Instruction

Instruc	ction
No	37

Request by Plaintiff	Request by Defendant	X	Requested by
Given as Proposed	Given as Modified		Given on Court's Motion
Refused	Cal.App.4 th 832, 858-859	Authority: Mize-Kurzman v. Marin Community College Dist. (2012) 202 Cal.App.4 th 832, 858-859	
Withdrawn	Morgan v. Regents (2000) 88 Cal.App.4 th 52 Clark v. Claremont University Center (1992) 6 Cal.App.4 th 639		
			Judge

Instruc	ction
No	37

If the City of Burbank reasonably believed that it was justified in removing Mr. Taylor from his position as Deputy Chief/Captain on the basis of evidence separate and apart from the fact that Mr. Taylor complained about harassment or discrimination, then the city is not liable to Mr. Taylor under the provisions of Labor Code Section 1102.5.

Special Instruction

Instruction No 38

Request by Plaintiff	Request by Defendant	Х	Requested by
Given as Proposed	Given as Modified		Given on Court's Motion
Refused	Authority: Mize-Kurzman v. N 832, 858-859	Authority: Mize-Kurzman v. Marin County College Dist. (2012) 202 Cal.App.4 th 832, 858-859	
Withdrawn			Judge

Instruc	tion
No	38

A report of commonly known information does constitute a protected disclosure.

The term disclosure means to reveal something that was hidden and not known.

1	PROOF OF SERVICE BY MAIL
2	I am a citizen of the United States and employed in Los Angeles County, California. I an
3	over the age of eighteen years and not a party to the within-entitled action. My business address
4	is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. I am readily
5	familiar with this firm's practice for collection and processing of correspondence for mailing with
6	the United States Postal Service. On March 9, 2012, I placed with this firm at the above address
7	for deposit with the United States Postal Service a true and correct copy of the within
8	document(s): DEFENDANT CITY OF BURBANK'S ADDITIONAL PROPOSED JURY
9	INSTRUCTIONS
10	in a sealed envelope, postage fully paid, addressed as follows:
11	
12	Amelia Ann Albano, City
13	Attorney Carol A. Humiston, Sr. Asst.
14	City Attorney 275 East Olive Avenue
15	Post Office Box 6459 Burbank, CA 91510
16	Following ordinary business practices, the envelope was sealed and placed for collection
17	and mailing on this date, and would, in the ordinary course of business, be deposited with the
18	United States Postal Service on this date.
19	I declare under penalty of perjury under the laws of the State of California that the above
20	is true and correct.
21	Executed on March 9, 2012, at Los Angeles, California.
22	\
23	atharla
24	Agnes D. Tualla
25	

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Burke, Williams & Sorensen, LLP ATTORNEYS AT LAW
LOS ANGELES

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PROOF OF SERVICE BY PERSONAL DELIVERY

i i	
2	I am a citizen of the United States and employed in Los Angeles County, California. I am
3	over the age of eighteen years and not a party to the within-entitled action. My business address
4	is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On March 9, 2012,
5	I personally served: DEFENDANT CITY OF BURBANK'S ADDITIONAL PROPOSED
6	JURY INSTRUCTIONS
7	by delivering copies thereof to:
8	Gregory Smith Department 50, Los Angeles Superior Law Offices of Gregory Smith Court
10	Christopher Brizzolara Law Offices of Christoper Brizzolara
11	Linda Savitt
12	Ballard Rosenberg Golper & Savitt, LLP
13	
14	I declare under penalty of perjury under the laws of the State of California that the above
15	is true and correct.
16 17	Executed on March 9, 2012, at Los Angeles, California.
18	
19	
20	Tony Kay
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